

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 5, 1997**

DIVISION THREE

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B108975      People      (Not for Publication)  
v.  
Justin Michael B.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B112759 People (Not for Publication)  
v.  
Miguel Angel S.

The order under review is affirmed.

Croskey, Acting P.J.

We concur: Aldrich, J.  
Aranda, J. (Assigned)

### December 5, 1997-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B096266      Mark Jay Salkin      (Not for Publication)  
v.  
Gary Weinstein, et al.

The order denying Frommer attorney's fees is affirmed. Costs on appeal to plaintiff.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B110001      Francisco Benach      (Not for Publication)  
v.  
County of Los Angeles, et al.

The judgment is reversed. The trial court is directed to allow plaintiff leave to amend to accurately denominate his causes of action as causes of action pursuant to Government Code section 3309.5, 42 U.S.C. section 1983, and 42 U.S.C. section 1985, and to request the appropriate relief therefore. Plaintiff is awarded his costs on appeal.

Croskey, Acting P.J.

We concur: Aldrich, J.  
Aranda, J. (Assigned)

DIVISION THREE (Continued)

B109359      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Daisy P.

The Court:

The appeal is dismissed.

Klein, P.J., Croskey, J., Aranda, J. (Assigned)

B113552      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Lisa E.

The Court:

The appeal is dismissed.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

B101599      Joseph P. Mayer, III, et al.                      (Not for Publication)  
                 v.  
                 Reliance Insurance Company

The judgment is affirmed. Costs on appeal awarded to appellant.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                 Kitching, J.

B106201      James Pieper, et al.                      (Certified for Publication)  
                 v.  
                 Commercial Underwriters Insurance Company

Judgment affirmed. Costs are awarded to Respondents.

Aldrich, J.

We concur:    Klein, P.J.  
                 Croskey, J.

DIVISION FOUR

B101125      Walters                                      (Certified for Publication)  
                 v.  
                 Walters

The order is affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.

B104552      People                                              (Not for Publication)  
                 v.  
                 Mahoney

The judgment is affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                 Baron, J.

B108740      People                                              (Not for Publication)  
                 v.  
                 Davis

The Court:

The judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Baron, J.

### December 5, 1997-Continued

## DIVISION FOUR (Continued)

B108408 People (Not for Publication)  
v.  
Martin

The Court:

For the foregoing reasons, we remand this matter for resentencing to allow the trial court to exercise its discretion as to whether any or all of the three terms of imprisonment imposed in this case should run concurrently. In all other respects the judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Baron, J.

B106992 People (Not for Publication)  
v.  
Ben Eli S.

The juvenile court is directed to vacate the portion of the order finding a “*Willie T.* waiver” and the conviction for simple battery. The court is also directed to modify the clerk’s transcript to specify 70 days of *Ricardo M.* time. The cause is remanded for the juvenile court to declare the battery with serious bodily injury a felony or misdemeanor and to enter a new disposition order.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

## DIVISION FIVE

B107673      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Anthony R.

The judgment (order of wardship) is affirmed.

Grignon, Acting P.J.

We concur:   Armstrong, J.  
                      Jackson, J. (Assigned)

DIVISION FIVE (Continued)

B115132     People  
              v.  
              Mark Anthony Hodge

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Simpson, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

B109055     Apex Pattern Company  
              v.  
              Gregg Industries

Merits:  
Argued by Lee Fineman for appellant and by Kenneth Powell for respondent. Cause submitted.

B109831     Hiram  
              v.  
              Sumitomo Bank of California

Merits:  
Argued by Mark Ozzello for appellant and by Kenneth Wachtel for respondent. Cause submitted.

B096481     Melendez  
              v.  
              Physician Assistant Examining Committee

Merits:  
Argued by Joseph Furman, deputy attorney general, for appellant and by Bernard Melendez, respondent in propria persona. Cause submitted.

DIVISION SEVEN (Continued)

Court recessed.

The Court reconvened at 10:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Simpson, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

B098402     Woodley  
                 v.  
                 Anderson

Appearances:  
Richard Sherman for appellant and by Karen Woodley, respondent in  
propria persona. Argument waived, cause submitted.

B111892     County of Los Angeles  
                 v.  
                 William D.

Argument waived, cause submitted.

B101355     Forman  
                 v.  
                 Chicago Title Ins. Company

Oral argument moved to January 9, 1998, at 9:00 a.m.

B103574     Condon  
                 v.  
                 Cooper

Merits:  
Argued by Christopher Condon, in propria persona, and by Patrick  
Decarolis for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B094660      Wherehouse Entertainment  
                 v.  
                 Devonshire Limited

Matter ordered off calendar having been dismissed on December 3, 1997.

B109576      Stonawski  
                 v.  
                 Stonawski

Merits:  
Argued by Elizabeth Cronin for appellant and by Carl Etting for  
respondent. Cause submitted.

Court recessed.

The Court reconvened at 2:00 p.m.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Simpson, J. (Assigned), and Emma  
Jean Amos, Deputy Clerk.

B107628      Bendo  
                 v.  
                 Herbert Hawkins Company

Merits:  
Argued by Steven Eyre for appellants and by H. Preston Hawkins for  
respondent. Cause submitted.

B105432      Mozden  
                 v.  
                 Mozden

Argument waived, cause submitted.



DIVISION SEVEN (Continued)

B109749     Eriksen  
              v.  
              Condor Insurance Company

Merits:  
Argued by Peter King for appellant and by Steven Cohn for respondent.  
Cause submitted.

B110726     Baltazar  
              v.  
              Williams

Argument waived, cause submitted.

B107441     Cook  
              v.  
              Meserve, Mumper & Hughes

Merits:  
Argued by Alan Goldberg for appellants and by Edmund Farrell and Steven Davis for respondents. Cause submitted.

Court adjourned